

Sheila J. Porter

05/18/2005

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Volume: I

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Pages: 1-248

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NO. 04-11935-DPW

----- x

Sheila J. Porter,

Plaintiff,

v.

Andrea Cabral, Suffolk County

Sheriff's Department Suffolk County,

and Correctional Medical Services, Inc.,

Defendants.

----- x

DEPOSITION OF SHEILA J. PORTER

Wednesday, May 18, 2005

10:10 a.m.

ADLER, COHEN, HARVEY, WAKEMAN & GUEKGUEZIAN

230 Congress Street

Boston, Massachusetts 02110

Reporter: Lori-Ann London, RPR

Legalink Boston
(617) 542-0039

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
NO. 04-11935-DPW

----- x
Sheila J. Porter,
Plaintiff,
v.
Andrea Cabral, Suffolk County
Sheriff's Department Suffolk County,
and Correctional Medical Services, Inc.,
Defendants.
----- x

CONTINUED DEPOSITION OF SHEILA J. PORTER
Thursday, May 26, 2005
9:05 a.m.

ADLER, COHEN, HARVEY, WAKEMAN & GUEKGUEZIAN
230 Congress Street
Boston, Massachusetts 02110

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1 A Staffing protocols?

2 Q Well, there are -- strike that.

3 when you worked at the Suffolk
4 County House of Correction from January of 2001 to
5 June of 2003, what was your schedule?

6 A I believe at that time it was from about
7 7:30 to 3:30 or 4:00.

8 Q 7:30 to 3:30 or 4:00. And what days did
9 you work?

10 A Monday through Friday.

11 Q How did the Suffolk County Sheriff's
12 Department dictate that you, Sheila Porter,
13 reported to the Suffolk County House of Correction
14 Monday through Friday from 7:30 to 3:00 or 3:30?

15 A I would have started earlier; I wasn't
16 able to because of the Suffolk County Sheriff's
17 Department's rule about when sick call could
18 start.

19 Q I see. So is that written someplace; is
20 that indicated someplace, in some document?

21 A I'm not sure.

22 Q So that's the extent, from your
23 perspective, as to how the Sheriff's Department
24 dictated the days of the week that you worked and

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1 the hours that you worked?

2 A weekend days -- it wasn't as easy to get
3 the work done then, so I suppose it depends on the
4 -- more the hours that you could start, how long a
5 time you could work, how late you could see
6 someone. So if you start early or if you wanted
7 to finish later, Suffolk County said, You can't
8 see someone after this time.

9 Q Did you have to -- how did you account
10 for your hours while you worked at the Suffolk
11 County House of Correction for Correctional
12 Medical Services?

13 A Time clock.

14 Q You punched in?

15 A Yes.

16 Q What if you wanted a day off, what would
17 you do?

18 A I would speak to the health service
19 administrator.

20 Q Did you consult with the Suffolk County
21 Sheriff's Department?

22 A No.

23 Q What if you were sick and couldn't come
24 to work on a day, what would you do?

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1 A I would call in.

2 Q To whom?

3 A The health service administrator.

4 Q would you inform the Suffolk County
5 Sheriff's Department that you couldn't come in?

6 A No.

7 Q Okay. How many nurse practitioners
8 worked Monday through Friday, 7:30 to 3:30, if I'm
9 getting that correct?

10 A One.

11 Q One nurse practitioner.

12 How many other nurse practitioners
13 were employed by Correctional Medical Services at
14 the Suffolk County House of Correction?

15 A Another designation. There was one
16 other person at the same level, but not a nurse
17 practitioner.

18 Q And what's the distinction; who is that
19 person and what was the difference?

20 A Physician's assistant.

21 Q Okay. And who was that?

22 A Beth Bringola, B-R-I-N-G-O-L-A.

23 Q Was her job and her responsibilities
24 similar to yours?

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1 A Yes.

2 Q And she was employed by CMS as well,
3 correct?

4 A Yes.

5 Q Okay. Did she work Monday through
6 Friday, 7:30 to 3:30?

7 A No.

8 Q what were her hours, if you know?

9 A I think 7:00 to 3:30 or 4:00, but four
10 days a week.

11 Q Okay. With the exception of that one
12 day, you had similar schedules, correct?

13 A Yes.

14 Q Okay. Were you -- did you have -- were
15 you able to take lunch?

16 A Yes.

17 Q were you able to take breaks?

18 A I think I was allowed.

19 Q Okay. And how would you coordinate your
20 lunch schedule and if you took a break, with whom?

21 A According to the schedule of the health
22 service -- of the health service unit.

23 Q With the health service administrator?

24 A There was a time between 11:30 and 1:00

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1 How did the Suffolk County Sheriff's
2 Department dictate the manner in which you
3 performed your responsibilities as a nurse
4 practitioner?

5 A where the person could be seen dictated
6 what could be done. For instance, if a person
7 could not be brought to the exam room but had to
8 be examined somewhere else would make a difference
9 in the exam. Who was in the room with a security
10 issue changes the manner in which a medical exam
11 is done or can change it.

12 Could you repeat the question itself
13 again?

14 Q Sure. How did the Suffolk County
15 Sheriff's Department dictate the manner in which
16 you performed your responsibilities as a nurse
17 practitioner?

18 A I think it was where I was allowed to go
19 and when and with what privacy was available.

20 Q You just indicated that where the exam
21 could be done by security considerations might
22 dictate the extent to which --

23 A Yes.

24 Q -- an exam was completed?

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1 A Yes.

2 Q Was it within your authority as a
3 nursing provider, a nurse practitioner, that if a
4 more thorough examination was indicated that you
5 would be able to do that?

6 A Not necessarily at that specific time.

7 Q But later you would?

8 A Again, it depends on the -- on the
9 circumstances.

10 Q Well, certainly if you felt that
11 treatment was indicated, you would say so, would
12 you not?

13 A Yes.

14 Q And certainly if you felt that a more
15 thorough examination was indicated, based upon
16 your training and experience as a nurse
17 practitioner, you would say so, correct?

18 A I would.

19 Q And you would do what you could in order
20 to facilitate that the treatment be provided to
21 the inmate, correct?

22 A Correct.

23 Q Similarly, if you were -- strike that.
24 Similarly, if the persons who were

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1 present in a room impeded your ability to conduct
2 a thorough examination, would you take steps to
3 ensure that you had an opportunity at a later
4 point to conduct a thorough examination?

5 A If I could.

6 Q Did any employee of the Suffolk County
7 Sheriff's Department ever tell you that you
8 couldn't provide treatment to an inmate?

9 A No.

10 Q Did ever -- any -- did any employee of
11 the Suffolk County Sheriff's Department ever tell
12 you that you couldn't perform your
13 responsibilities as a nurse practitioner?

14 A This doesn't concern what I was told; it
15 concerns the circumstances of particular
16 examinations.

17 Q So it's fair to say on some occasions
18 you may not initially be able to do a complete --
19 a physical examination of an inmate?

20 A Or get a complete history.

21 Q But you would at a later date, if you
22 felt that was necessary, in order to provide
23 adequate medical care?

24 A I or someone else, yes.

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1 the time that you signed those interrogatories?

2 A This answer, which doesn't sound like
3 what you just said.

4 Q The hours and dates that she worked was
5 dictated by the contract entered into between the
6 HOC and CMS.

7 MR. SAVAGE: Are you asking her
8 whether that was part of her answer?

9 Q Yes, I'm asking you whether that was
10 part of your answer.

11 A Part of my answer, yes.

12 Q Okay. Where in the contract with CMS
13 does it indicate that you, Sheila Porter, was to
14 work five days a week, 7:30 to 3:30?

15 A I never saw the contract.

16 Q Okay. So how is it then that the hours
17 and days that you work were dictated by the
18 contract entered into between, as you put it, the
19 House of Correction and Correctional Medical
20 Services?

21 A My answer would involve that the
22 contract, to my understanding, includes the number
23 of hours for each position.

24 Q And that's what I'm inquiring about,

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1 your understanding, because you answered this
2 question based upon your understanding. So what
3 is your understanding?

4 A My understanding is that the contract
5 required X-amount of hours of mid-level provider,
6 physician coverage, nurse coverage, and that was a
7 contract entered into by both the House of
8 Correction and CMS.

9 Q And how CMS was going to provide those
10 levels of care was up to CMS, correct?

11 A The levels, yes.

12 Q And whom they chose to staff in those
13 particular positions was up to CMS, correct?

14 A After security clearance was fulfilled,
15 yes.

16 Q Did you understand my question?

17 MR. SAVAGE: And she answered it.

18 A It couldn't be filled with just anyone.

19 MR. SAVAGE: There's no question
20 pending.

21 Q I asked you whom CMS determined would
22 fill those staffing considerations was up to CMS,
23 correct? I didn't ask you about security. I
24 asked you who CMS designated to fill those

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1 particular staffing levels was up to CMS, correct?

2 A Yes, with the same thought. You asked
3 my impression.

4 Q The contract, to your knowledge, didn't
5 indicate that Sheila Porter needed to work five
6 days a week, 7:30 to 3:30, correct?

7 A Correct.

8 Q Okay. You also indicated in your
9 testimony today additional ways in which you
10 believe the Suffolk County Sheriff's Department
11 dictated the hours and days that you worked,
12 right? A few moments ago you just indicated
13 various ways in which you believe that dictated
14 the hours and days that you worked at the Suffolk
15 County House of Correction.

16 A Yes.

17 Q Does that now complete the answer to
18 this interrogatory.

19 (Pause.)

20 A I believe it completes the answer to (i)
21 of No. 7.

22 Q Okay. You also provided an answer in
23 response to this same interrogatory that -- I'm
24 quoting from it -- "Her treatment of inmates was

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1 subject to the cooperation and/or approval of
2 corrections officers and/or their supervisors on
3 virtually a daily basis."

4 could you explain that, please?

5 A The officers that staffed the unit were
6 responsible for calling over the inmates. The
7 House of Correction determined how many could be
8 there, what units could come, what units couldn't
9 come, whether or not two inmates could be seen by
10 two different providers at the same time because
11 of security issues, whether or not I could treat a
12 female on the 10th floor versus on the 2nd floor,
13 and whether or not I had the privacy to complete
14 some of the medical history.

15 Q So location of where you could see
16 folks?

17 A Yes.

18 Q Timing of when you could see folks?

19 A Yes.

20 Q And privacy considerations in terms of
21 receiving an accurate history?

22 A Yes.

23 Q How did those three considerations
24 impact your treatment of inmates?

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1 A If I can't see the inmates, I can't
2 treat them.

3 Q You saw them ultimately, correct? If
4 someone needed to be seen by medical, they were
5 seen, were they not?

6 A There were multiple people scheduled on
7 a daily basis, and I may not be able to see them
8 all.

9 Q On that particular day?

10 A Yes.

11 Q And then they would be seen at another
12 time, correct?

13 A Yes.

14 Q Certainly if in your nursing judgment
15 you felt that a particular individual needed to be
16 seen immediately, you would indicate that?

17 A I wouldn't know.

18 Q If the complaint was made to you, if a
19 sick call note indicated some level of an acute
20 nature, wouldn't you triage that to see that
21 individual first?

22 A Someone else had triaged the sick slips.

23 Q Someone else would triage the sick
24 slips, and then provide those slips to you in the

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1 order in which an individual should be seen. Is
2 that correct? Is that fair?

3 A But if that unit wasn't there, that
4 person couldn't be seen.

5 Q By you?

6 A They were provided to us according to
7 the unit, and one unit at a time would be called
8 over --

9 Q In terms --

10 A -- I had no input as to which unit
11 should come over.

12 Q In terms of the type of treatment that
13 you would administer to a particular inmate, the
14 factors that you just indicated to me, how did
15 that impact the type of treatment that you
16 provided? For example, if you see a female inmate
17 upstairs in the satellite clinic, if you will, if
18 I could use that term, as opposed to the
19 infirmary, how did that impact the treatment that
20 you would provide to that female inmate?

21 A If I saw the inmate on the 10th floor, I
22 might be able to do a pelvic examination, but on
23 the second floor that would be very difficult.

24 Q But you could do it if you needed to?

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1 the Sheriff's Investigation Division that you were
2 providing information to the F.B.I.?

3 A I don't remember which specific thing.
4 I reported a lot of things to the Sheriff's over
5 nine years. Steve and I spoke frequently. I
6 accompanied him to court frequently. On one of
7 those occasions, I commented to him unofficially
8 that they had called, and that they were looking
9 for information. I can't be more specific than
10 that because I don't remember if it was more
11 specific than that. It was an informal comment
12 that I made during one of these encounters with
13 Steve.

14 Q Did he ask you more questions about it?

15 A No.

16 Q Did you tell him that you were providing
17 information on an ongoing basis to the F.B.I.?

18 A No.

19 Q Did you tell him that it was on a
20 particular matter that you were providing
21 information?

22 A No.

23 Q You told him that the F.B.I. had
24 contacted you?

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1 A Yes.

2 Q what did you tell him about what that
3 contact was about?

4 A Just that they were looking for
5 information.

6 Q So you didn't communicate to him that
7 this was one of a number of contacts that you were
8 getting on a regular basis from the F.B.I.?

9 A I think it was at the beginning. I
10 don't think it was after a number; I think it was
11 early on.

12 Q Did you indicate to him -- did you tell
13 Steve Jacobs that you had agreed to provide
14 information to the F.B.I. on an ongoing basis?

15 A No.

16 Q who was the next person that you told
17 from the Suffolk County Sheriff's Department that
18 you were providing information to the F.B.I.,
19 whether informally or formally?

20 A Paul DeFazio.

21 Q When was that?

22 A 2002.

23 Q And what were the circumstances
24 surrounding that communication with Paul DeFazio?

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1 A Yes.

2 Q And the context of this -- of my
3 questions to you was whom within the department
4 did you notify in 2001 to -- well, strike that.

5 I believe you testified that
6 sometime in the latter part of 1999 through 2000
7 you may have notified Steve Jacobs that on a
8 particular occasion the F.B.I. had contacted you?

9 A Yes.

10 Q Is that a fair characterization of your
11 testimony?

12 A Yes.

13 Q You did not, however, inform Mr. Jacobs
14 that you were in an ongoing relationship with the
15 F.B.I. providing them information on an ongoing
16 basis?

17 A I don't believe I did.

18 Q Other than Mr. Jacobs, whom within the
19 Suffolk County Sheriff's Department did you notify
20 that you were providing information to the F.B.I.
21 on an ongoing basis?

22 A The next person -- well, the person that
23 knew it was Paul DeFazio, and that was in 2002.

24 Q Okay. And how did Mr. DeFazio know that

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1 you were providing information to the F.B.I. on an
2 ongoing basis?

3 A Mr. DeFazio came to me as a liaison
4 concerning Rene Rosario.

5 Q Who was a liaison, you or Mr. DeFazio?

6 A Mr. DeFazio.

7 Q And what do you mean by liaison?

8 A He was my contact person in case of
9 emergency during some meetings I had with Rene
10 Rosario.

11 Q What do you mean by contact person in
12 case of emergency?

13 A Excuse me?

14 (Witness and counsel conferring off
15 the record.)

16 MS. CAULO: Let the record reflect
17 that Mrs. Porter is communicating with her
18 attorney.

19 A During that time, I had been asked to
20 place a wire on Inmate Rosario, and I had an
21 emergency contact at the facility, and at least
22 one other, perhaps two other, SID people knew of
23 my existence and what I was doing, but Paul was
24 the name I had in case there was an emergency, in

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1 Q what did you tell Gayle Bartley?

2 A I told her that he had told me he wasn't
3 hearing voices; that there were some other issues
4 going on; and that there were some physical issues
5 going on; and that that was not the whole story,
6 so...

7 Q You told her there were some physical
8 issues going on?

9 A Yes.

10 Q That's your testimony today?

11 A I'm not exactly sure how I expressed it.

12 Q Um-hm.

13 A I told Gayle that he was down there;
14 that he wasn't hearing voices; that he told the
15 officer he was hearing voices but he was not
16 hearing voices; or that he told me that later on.
17 That he came down because he -- he said he had
18 been -- I don't know if I said he was assaulted,
19 but he had some other issues on the unit, and he
20 came downstairs to get out of that unit, to get
21 downstairs. And I told her that he needed an
22 examination, so...

23 Q what kind of examination did you tell
24 her that he needed?

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1 A This is -- I'm not sure I talked with
2 Donna at the same time or in the same time frame.
3 So I'm not sure what I told Gayle and what I told
4 Donna. I did tell Gayle that the issues were not
5 auditory hallucinations, but that there were some
6 other issues going on, and I told Donna that I had
7 seen the bruises.

8 Q I'm speaking specifically about what you
9 told Gayle.

10 A Exactly what I told which one, I am --
11 at this point in time I couldn't tell you, but I
12 may have -- I may have written it down at the
13 time. I did not review that particular report
14 last night.

15 Q Which report is that?

16 A The one I wrote the day that it
17 happened, on the 19th.

18 Q I see. Okay. Did you specifically
19 articulate to Gayle Bartley that Mr. Rosario had
20 said he was physically assaulted by an officer?

21 A I don't remember.

22 Q Did you specifically tell Gayle Bartley
23 that you observed injuries, as you have described
24 them here today, on Mr. Rosario?

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1 A I think so. I'm not sure.

2 Q Didn't you tell her, that is, that his
3 issues seem to be not psychiatric, he has some
4 other issues, and if you want some more
5 information, come talk to me?

6 A Yes.

7 Q That's what you said to her?

8 A That's part of what I said to her. It
9 took longer than that but, yes, I did say that.

10 Q Did she come and talk to you?

11 A I don't think so.

12 (Document marked as Exhibit No. 5.)

13 Q Before we get there, Mrs. Porter, with
14 respect to your conversation with Gayle Bartley,
15 you indicated that she didn't come and speak to
16 you?

17 A I don't think so. I went to her.

18 Q No. I mean after you provided her this
19 information, after you said to her, "I saw Rene.
20 I think there's more to the story. If you need
21 more information, come see me."

22 A I don't think she came to see me.

23 Q Did you follow up with her?

24 A No.

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1 Q Okay. The court reporter has placed a
2 document in front of you. Do you recognize what
3 that document is --

4 A Yes.

5 Q -- Mrs. Porter?

6 what is it?

7 A I'm sorry. Yes, I do. This is the
8 report that I wrote on May 19th after Rene came
9 down to the medical housing unit.

10 Q Did you place this report in his medical
11 chart?

12 A No.

13 Q Did you intend that it be placed in his
14 medical chart?

15 A No.

16 Q What did you intend this to be?

17 A An incident report, a report that would
18 cover my seeing him and reporting that there was
19 some allegation of physical abuse.

20 Q Okay. We'll get there in a few more
21 moments. Were you concerned at all that -- or
22 strike that.

23 Did you think it was important to
24 let other medical personnel know that Mr. Rosario

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1 Q what did you intend the document that's
2 been put before you and marked as Exhibit No. 5 to
3 be?

4 A An incident report.

5 Q For whom?

6 A As it turns out, it was -- it was meant
7 for Mary Ellen Mastrorilli.

8 Q well, when did you write this?

9 A The date it says I wrote it.

10 Q When on May 19th --

11 A In the afternoon.

12 Q -- did you write it?

13 when in relation to your encounter
14 with Mr. Rosario did you write this?

15 A Before the end of the day.

16 Q what time did your shift end?

17 A 4:00, 4:30. I don't know what time I
18 punched out that day.

19 Q well, you saw Mr. Rosario approximately
20 12:30, 1:00 in the afternoon?

21 A Um-hm.

22 Q How long did that encounter take place?

23 A A minute.

24 Q Okay. And after that, a minute, when

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1 to -- to go to someone other than SID.

2 Q Now, earlier today you testified that
3 you regularly reported allegations of physical
4 abuse of inmates by officers to SID?

5 A Correct.

6 Q From 1999 through -- strike that.

7 From 1994, right --

8 A Correct.

9 Q -- through 2003?

10 A Yes.

11 Q Why on this occasion did you not want
12 the information communicated to SID -- strike
13 that.

14 Why on this occasion did you not
15 want to go directly to SID?

16 A Because of the previous history that I
17 had with Rene, what I knew, and my involvement
18 with him and with the F.B.I.

19 Q Explain why that -- why you decided not
20 to go to SID because of that.

21 A When Rene had left, was transferred the
22 time before when he was -- in November, between
23 that time and the time that he came back, I had
24 been working with the F.B.I.; I knew that Rene was

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1 still involved; I was unsure of what else was
2 going on because I had had the conversation with
3 Paul DeFazio, who was angry with the F.B.I.; and I
4 just had some reservations; I wanted to go to
5 somebody the next level up.

6 Q well, Paul DeFazio wasn't in SID at this
7 time, correct?

8 A Correct.

9 Q Okay. And I thought you testified
10 earlier that you weren't aware until that morning
11 of May 19th that Mr. Rosario may still be working
12 with the F.B.I.?

13 A Correct.

14 Q And you gleaned that in your minute
15 conversation with him?

16 A Yes.

17 Q Okay. Well, what other reasons -- why
18 would that have prevented you from going to SID?

19 A I was concerned for Rene because he was
20 back again. I didn't -- my feeling was that he
21 shouldn't have been back again. I was very
22 concerned for him, and I was just concerned about
23 the whole issue of my working with Rene and the
24 F.B.I., and there were people in SID that knew

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1 that I both worked with the F.B.I. and with Rene,
2 and here he was back again and there were some
3 complaints again, and I just wanted to go one
4 level higher.

5 Q Who were the people that were still in
6 SID that knew about your involvement in November
7 of 2002 that would have prevented you from going
8 down to SID to report the alleged abuse?

9 A I thought Steve knew about it, I'm not
10 sure if he did or not, and although Paul wasn't in
11 SID specifically, he certainly knew, and he was
12 making his disappointment known to me.

13 Q And why would that have -- why did that
14 militate for you against reporting to SID?

15 A I was concerned for the health and
16 safety of Rene and myself.

17 Q And what concerns did you have about
18 yourself?

19 A I wanted to report this and make sure
20 that the information was there without going
21 through SID and without having to explain the
22 things again because of the -- the wiring and
23 things like that. I didn't want to get back into
24 that.

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1 Q Well, this is a serious allegation,
2 correct?

3 A Yes.

4 Q It's always a serious allegation when an
5 inmate accuses an officer of physical abuse,
6 correct?

7 A It is.

8 Q And those are investigations that the
9 department has taken seriously, correct?

10 A Correct.

11 Q And they investigate them, correct?

12 A Yes.

13 Q In fact, you've had numerous encounters
14 with -- strike that.

15 You've had numerous occasions in
16 which you have provided information to SID
17 concerning allegations of physical abuse by
18 officers on inmates, right?

19 A Yes.

20 Q And they have come to you looking for
21 information when they have been investigating
22 allegations of physical abuse of inmates by
23 officers, correct?

24 A Correct.

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1 Q So it wasn't the subject matter that you
2 were concerned about that prevented you from
3 disclosing it immediately to SID?

4 A It was the person.

5 Q It was Rene Rosario?

6 A Yes, and the relationships.

7 Q And certainly this is something that you
8 were aware that you were obligated to report to
9 SID, correct?

10 A Obviously.

11 Q I don't know what the obviously refers
12 to, but I'm asking you certainly an allegation of
13 physical abuse by an inmate against an officer is
14 something you knew you were obligated to report to
15 SID, correct?

16 A I was obligated to report it to my
17 supervisor, which I did.

18 Q You also had obligations to report it to
19 the Sheriff's Investigation Division, did you not?

20 A I felt that I was fulfilling my
21 obligation by reporting it to my Suffolk County
22 supervisor who would have been Mary Ellen
23 Mastrorilli at that time.

24 Q well, I didn't ask you whether or not

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1 A In the health service unit.

2 Q What did you say to her; what did she
3 say to you?

4 A I told her that Rene had come down on
5 MOA because he said he was hearing voices, but
6 then when I saw him in the back, he said he wasn't
7 hearing voices; he came down because he was
8 reporting that he had been assaulted by an
9 officer, and that he waited -- I told her the
10 story that Rene told me; that he waited for the
11 officer that he said injured him to leave the unit
12 for lunch; and then he said he was hearing voices
13 so that he could get down to the -- to the health
14 service unit to see someone; and that when I
15 talked to him, he didn't appear to be having a
16 problem with his mental illness at that time; that
17 he said he wasn't hearing voices, but he came down
18 for the other reason; that he said he had been
19 assaulted and he was afraid.

20 Q Anything else?

21 A That Rene was back and I didn't
22 understand why he was back, and that I wanted to
23 re -- I wanted to report it; that I needed to
24 report it; and that I wanted to -- that I wasn't

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1 sure what -- what to do about it.

2 Q Did you tell her that you had not
3 documented your encounter with him in his medical
4 chart?

5 A No.

6 Q At the point in time that you had this
7 conversation with Donna Jurdak, had you written
8 the document that appears before you as
9 Exhibit No. 5?

10 A No.

11 Q Did you ask Donna Jurdak to do anything
12 with the information that you had provided to her?

13 A Yes.

14 Q What was that?

15 A We talked about it and decided that it
16 would be Mary Ellen she would report it to. I
17 asked her to convey the information to Mary Ellen.

18 Q And what was your sense of what Mary
19 Ellen would do with the information?

20 A I thought she might pass it on to SID or
21 to somebody different in SID. There were new
22 people in SID that I didn't know. I didn't know
23 -- I wasn't sure what she was going to do with it,
24 but that's where I wanted it to go next.

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1 strike you as implying that you had a racial bias?

2 A I didn't think of it.

3 Q When did you think of it, if you thought
4 of it at all?

5 A When I heard other people's comments.

6 Q And when you heard other people's
7 comments, what did that make you think about the
8 statement?

9 A It made me think, I hope that wasn't the
10 truth.

11 Q Do you think that's what it implies?

12 A I don't know.

13 Q Other than "clearly biassed," what else
14 in that sentence do you allege is defamatory?

15 A My own agenda for speaking out at this
16 time. I had no agenda for speaking out at that
17 time, except that someone called me and asked for
18 my story.

19 Q Did you feel that your reputation had
20 been damaged?

21 A Yes.

22 Q Did you hope to accomplish by speaking
23 to the Globe and to Channel 5 that you would
24 restore your reputation that you felt had been

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1 MS. HARVEY: I'll be very happy to
2 do it your way, but then you're going to object,
3 I'm certain, but...

4 Q In your testimony last week you advised
5 that the reason that you did not want to perform
6 an examination on Mr. Rosario was because you had
7 advocated for him in the past and you were
8 concerned about appearing biased; is that
9 correct?

10 A That's one reason.

11 Q Okay. Now, when you use the word
12 "biased" do you mean racially biased?

13 A No.

14 Q So the word biased can have a number of
15 different meanings, you would agree?

16 A Yes.

17 Q Just because Mr. Rosario is a person of
18 color doesn't mean that you would be racially
19 biased against him if you use the word "biased"
20 in that context?

21 A Correct.

22 Q Now, you've testified that you gave the
23 report that has been marked as Exhibit 5, that you
24 gave this report to Donna Jurdak on May 22 or